CHAPTER lxxvii.

An Act to extend the boundaries of the borough of Gateshead and for other purposes. A.D. 1932.

[12th July 1932.]

WHEREAS the existing borough of Gateshead (in the preamble to this Act called "the borough") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and is subject to the jurisdiction of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas the borough now comprises the parish of Gateshead such parish being co-extensive with the borough:

And whereas the urban district of Whickham and the parish of Lamesley in the rural district of Chester-le-Street in the administrative county of Durham are contiguous and immediately adjoin the borough:

And whereas it is expedient that the boundaries of the borough and of the parish of Gateshead should be altered and extended so as to include therein parts of the said urban district of Whickham and of the said parish of Lamesley (which parts are in this Act together referred to as "the added area"):

And whereas the unrepealed provisions of the local Acts specified in Part I of the schedule to this Act and of the Orders specified in Part II of that schedule are in force in the borough:

[*Price* 1*s.* 6*d. Net.*]

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And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 as amended by the Local Government (County Boroughs and Adjustments) Act 1926 have been observed:

May it therefore please your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Gateshead Extension Act 1932.

Interpretation.

2. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall in this Act have in relation to the relative subject matter the same respective meanings And in this Act—

"Existing" in relation to any area altered by this Act means existing immediately before the appointed day;

"The appointed day" means the first day of April one thousand nine hundred and thirty-three;

"The borough" means until the appointed day the existing borough of Gateshead and thereafter the existing borough of Gateshead as extended by this Act;

"The parish" means the parish of Gateshead as extended by this Act;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the council of the borough;

"The mayor" "the town clerk" and "the treasurer" mean respectively the mayor the town clerk and the treasurer of the borough and

include any person duly authorised to discharge temporarily the duties of those offices respectively;

"The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;

"The local Acts" means the local Acts specified in Part I of the schedule to this Act the Orders specified in Part II of that schedule and so much of the confirmation Acts specified in that Part as relates to those Orders;

"The borough map" means the map marked "Map of the borough of Gateshead as extended by the Gateshead Extension Act 1932" and signed in triplicate by Captain Robert Croft Bourne the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

"The county" and "the county council" mean respectively the administrative county of Durham and the county council of that county;

"The urban district" and "the urban council" mean respectively the urban district of Whickham and the urban district council of that district;

"The rural district" and "the rural council" mean respectively the rural district of Chester-le-Street and the rural district council of that district;

"The added part of Whickham" means so much of the urban district as is coloured brown on the borough map;

"The added part of Lamesley" means so much of the parish of Lamesley in the rural district as is coloured yellow on the borough map;

"The excluded part of Whickham" and "the excluded part of Lamesley" mean respectively the remaining part of that urban district and parish;

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"The added area" means the added part of Whickham and the added part of Lamesley;

"The Act of 1888" "the Act of 1894" and "the Act of 1929" mean respectively the Local Government Act 1888 the Local Government Act 1894 and the Local Government Act 1929;

"The Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the Borough Councillors (Alteration of Number) Act 1925;

"The Minister" means the Minister of Health;

"Local authority" means a local authority as defined in section 3 of the Local Government and other Officers' Superannuation Act 1922 and includes the standing joint committee of a county;

"Officer" includes a servant and any person whose remuneration is paid by a local authority;

"Local education authority" means a local education authority as defined in section 3 of the Education Act 1921;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any

annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

"Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation.

Commencement of Act.

3. Save as otherwise expressly provided this Act shall come into operation on the appointed day:

Provided that for the purposes of—

(*a*) the compilation alteration or re-arrangement of any register of electors made under the Representation of the People Acts;

(*b*) the qualification of candidates for election to the office of councillor of the borough;

(*c*) any election to be held in the year one thousand nine hundred and thirty-three for any area affected by this Act and all proceedings preliminary or relating thereto; and

(*d*) the preparation of any precept or contribution order to be issued or made on or after the appointed day;

this Act shall operate from the date of its passing.

Extension of borough.

4.—(1) The boundary of the existing borough shall be altered so as to include the added area.

(2) The boundary of the borough shall be that shown by the inner edge of the red line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough and shall be the county borough of Gateshead for the purposes of the Act of 1888 and for all other purposes.

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Alteration of parishes.

5. The added area shall be added to and form part of the existing parish of Gateshead and the added part of Whickham and the added part of Lamesley shall be separated from the existing parishes of which they now respectively form part.

Deposit of maps.

6.—(1) Copies of the borough map deposited with the town clerk and certified by him to be true shall be sent by him within one month after the passing of this Act to the clerk to the county council to the clerk to the urban council to the clerk to the rural council to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade to the Minister to the Minister of Transport to the Minister of Agriculture and Fisheries and to the Postmaster-General.

(2) Copies of or extracts from the borough map deposited with the town clerk and certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the map so far as it relates to the boundary of any area altered by this Act.

(3) The borough map deposited with the town clerk shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(4) All fees so received shall be carried to the general rate fund.

Existing mayor aldermen and councillors.

7. The persons who hold office immediately before the appointed day as mayor aldermen and councillors of the existing borough shall on the appointed day become the mayor aldermen and councillors of the borough but shall respectively retire from office on the day on which they would have retired from office if this Act had not been passed.

Alterations of wards and of numbers of aldermen and councillors.

8.—(1) This section shall come into operation on the date of the passing of this Act but any scheme or Order in Council made in pursuance of the provisions hereinafter mentioned as applied by this section shall not take effect until the appointed day except for the

purposes of an election of councillors in pursuance of this section. A.D. 1932.

(2) On the date of the passing of this Act the provisions of section 30 of the Municipal Corporations Act 1882 as amended by the Municipal Corporations Act 1893 and the Borough Councillors (Alteration of Number) Act 1925 shall have effect as if—

(*a*) a petition had been presented by the council praying for an alteration of the number of councillors of the borough and an alteration of the number and boundaries of the wards thereof and His Majesty had ordered that the same be taken into consideration by His Privy Council; and

(*b*) the provisions of this Act altering the boundaries of the borough had come into operation.

(3) In the event of the number of wards of the borough being increased in pursuance of a scheme or order made under the said provisions as applied by this section it shall not be necessary for the number of councillors assigned to each of the wards into which the borough is for the time being divided to be a number divisible by three and if in any one or more of the wards the number of councillors is not so divisible the number of aldermen of the borough shall be as near as may be but not less than one-third of the number of councillors.

(4) Any scheme or order made under the said provisions as applied by this section may provide that the term of office of any additional councillors elected at the first elections shall expire on the ordinary day of retirement of councillors in the year one thousand nine hundred and thirty-six.

(5) Before any Order in Council is made in pursuance of the said provisions as applied by this section for the alteration of the number of councillors the Secretary of State on the request of the Lord President of the Council may appoint a commissioner to hold a local inquiry and the provisions of subsections (14) and (15) of the said section 30 of the Municipal Corporations Act 1882 shall apply in respect of any such inquiry.

(6) Any Order in Council made in pursuance of the said provisions as applied by this section may be altered

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or varied by a subsequent Order in Council made on the application of the Corporation by petition under the provisions of the said section 30 of the Municipal Corporations Act 1882 as amended by the Municipal Corporations Act 1893 and the Borough Councillors (Alteration of Number) Act 1925 and the provisions of subsections (3) and (5) of this section shall apply to any such application.

County and Borough Councils (Qualification) Act 1914.

9. For the purposes of the application to the borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added area shall be deemed to have always formed part of the borough.

County electoral divisions.

10. Subject to the provisions of section 54 of the Act of 1888 section 2 of the Representation of the People Act 1922 and section 50 of the Act of 1929 the added part of Whickham and the added part of Lamesley shall be separated from the electoral divisions of the county of which they respectively form part and the councillors of the county who immediately before the appointed day represent the Whickham No. 1 and the Lamesley electoral divisions shall be deemed to have been elected to represent those divisions as altered respectively by this Act and shall retire on the day on which they would have retired respectively if this Act had not been passed.

Jurisdiction powers and duties of justices &c. extended.

11.—(1) The powers and duties of the justices of the peace appointed for the existing borough and of the clerk to those justices and of the police constables and other peace officers in the existing borough shall extend to and apply throughout the borough :

Provided that—

(*a*) every person committing an offence in any part of the added area prior to the appointed day shall be tried and dealt with as if this Act had not been passed;

(*b*) every proceeding which prior to the appointed day has been begun or is pending before any justice in relation to any matter arising in or concerning any part of the added area may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

(2) The added area shall cease to form part of any petty sessional division of the county.

Borough auditors.

12. The auditors of the existing borough who are in office on the appointed day shall continue in office and shall be the borough auditors until the next ordinary day of election of borough auditors.

Corporation property liabilities &c.

13. Subject to the provisions of this Act all property vested in the Corporation at the appointed day for the benefit of the existing borough (not being property held for any charitable trust) shall by virtue of this Act be held by the Corporation for the benefit of the borough and subject as aforesaid the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which on that day are exerciseable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the appointed day attach to the Corporation in respect of the existing borough shall on and after that day attach to them in respect of the borough.

Jurisdiction of county authorities to cease.

14.—(1) Subject to the provisions of this Act the powers rights privileges authorities and duties of the county council and the standing joint committee of the county respectively shall as from the appointed day cease to be exerciseable by or attach to that council and committee so far as regards the added area.

(2) All the property and liabilities which immediately before the appointed day are vested in or attach to the county council as poor law authority in the added area shall by virtue of this Act be transferred to vested in and attached to the Corporation.

Mortgage debts of urban and rural councils county council and Corporation.

15.—(1) The liability for repayment of so much of any moneys borrowed by the urban council the rural council or the county council or their respective predecessors for a purpose relating exclusively to any part of the added area as are owing at the appointed day and for the payment of the interest thereon shall by virtue of this Act be transferred to and attach to the Corporation subject to any adjustment which may hereafter be made.

(2) So much as is at the appointed day owing in respect of any moneys borrowed as aforesaid together with so much of any sums borrowed by the Corporation

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as is at the appointed day owing and charged upon the revenues general rate fund and general rate of the existing borough shall by virtue of this Act be charged upon the revenues of the Corporation and the general rate fund and general rate.

(3) All borrowed moneys to which this section applies shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

(4) Nothing in this Act shall prejudice or affect any mortgage or other security which has been granted in respect of any borrowed moneys the liability for the repayment of which is transferred to the Corporation by subsection (1) of this section or the powers of any person entitled under any such mortgage or other security to enforce the same as if this Act had not been passed and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Act the power may continue to be exercised as if this Act had not been passed and the general rate shall for any such purpose be levied and have effect in substitution for the rate which would have been leviable if this Act had not been passed.

As to urban and rural councils.

16. The urban council and the rural council shall be deemed to have been elected for and shall respectively be the councils for the urban district and the rural district as altered by this Act respectively.

Powers of urban and rural councils.

17. The urban council and the rural council shall cease to exercise any powers or discharge any duties in any part of the added area.

Property &c. of urban and rural councils.

18. Subject to the provisions of this Act and to any necessary adjustments—

(1) All property or liabilities which immediately before the appointed day are vested in or attach to the urban council or the rural council in relation exclusively to any portion of the added area shall by virtue of this Act be transferred to and vest in or attach to the Corporation :

(2) Any property or liabilities which immediately before the appointed day are vested in or attach to the urban council or the rural council in relation to any portion of the added area conjointly with any other area shall be a matter for adjustment under this Act.

As to parish council.

19. Subject to the provisions of this Act as from the appointed day—

(1) The parish council of Lamesley shall cease to exercise any powers or discharge any duties within any part of the added part of Lamesley :

(2) The parish council of the existing parish of Lamesley shall be deemed to have been elected as and shall be the parish council of the parish of Lamesley as altered by this Act :

(3) Any powers and duties of the parish council of Lamesley transferred by or under the Act of 1894 to the said parish council of the parish of Lamesley in relation exclusively to the added part of Lamesley shall be vested in the Corporation :

(4) Any property or liabilities held or incurred by the said parish council in relation exclusively to the added part of Lamesley shall by virtue of this Act be transferred to and vest in or attach to the Corporation :

(5) Any property or liabilities held or incurred by the said parish council in relation to the added part of Lamesley or the excluded part of that parish or any portion thereof conjointly with any other area shall if necessary be a matter for adjustment under this Act.

Urban powers in excluded part of Lamesley.

20. All the powers rights duties capacities liabilities and obligations of an urban district council and the powers in relation to the chargeability of expenses with which the rural council are invested in pursuance of any order issued by the Local Government Board or the Minister under the Public Health Acts in respect of the existing parish of Lamesley shall be deemed to vest in and attach to the rural council in respect of that parish as altered by this Act.

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Local Acts.

21. Subject to the provisions of this Act—

(1) The unrepealed provisions of the local Acts and of any other local Act or of any Order confirmed by or having the effect of an Act of Parliament and affecting the existing borough or the Corporation as the same respectively are in force within the existing borough on the appointed day shall extend and apply to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation thereof:

(2) Any provisions in any local Act or any Order confirmed by or having the effect of an Act of Parliament for the benefit or protection of the county council the urban council or the rural council or the standing joint committee of the county or their respective predecessors shall so far as they relate to or affect any part of the added area from and after the appointed day enure for the benefit and protection of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to any such council or committee or their predecessors as the case may be.

Saving rights of County of Durham Electrical Power Distribution Company Limited.

22. Nothing in this Act contained shall—

(*a*) Enlarge diminish or affect the powers and provisions relating to the purchase by the local authority of the undertaking of the County of Durham Electrical Power Distribution Company Limited (in this section called "the company") under or by virtue of section 61 (Purchase by local authority) of the Gateshead Electric Lighting Order 1899 or extend or apply the provisions of such section to the undertaking of the company within the areas within which the company are authorised by the Whickham Electric Lighting Order 1903 the Whickham Electric Lighting (Transfer of Powers) Order 1904 and the Durham Districts Electric Lighting Order 1905 respectively to supply electricity:

(*b*) Enlarge diminish or affect the rights powers privileges duties and liabilities of the company.

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23.—(1) The provisions of—

Adoptive Acts.

(*a*) The Baths and Washhouses Acts 1846 to 1925;

(*b*) The Infectious Disease (Prevention) Act 1890;

(*c*) The Public Health Acts Amendment Act 1890;

(*d*) The Museums and Gymnasiums Act 1891;

(*e*) The Local Government and other Officers' Superannuation Act 1922;

(*f*) The Public Libraries Acts 1892 to 1919; and

(*g*) Parts II III IV and V of the Public Health Act 1925;

as in force in the existing borough shall be in force in and apply to the borough as if the same had been adopted for the borough.

(2) The provisions of any adoptive Act other than the Acts in force in the existing borough shall cease to be in force in the added area.

(3) Any order under the Public Health Acts the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which is in force at the appointed day throughout the existing borough shall extend and apply to the added area and any such order in force at the appointed day within the added area shall cease to be in force therein.

Orders under Public Health Acts Amendment Act 1907 or Public Health Act 1925.

24. Subject to the provisions of any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925 :—

(1) The provisions of any order made before the appointed day and declaring to be in force throughout the existing borough any parts or sections of either of those Acts shall have effect as if any reference in that order to the existing borough extended and applied to the borough and as if such parts or sections were accordingly declared to be in force in the borough :

(2) Any other order under either of the said Acts which is in force at the appointed day throughout the existing borough shall extend and apply to the added area :

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(3) The provisions of any order made before the appointed day and declaring to be in force in any part of the added area any parts or sections of either of the said Acts shall cease to apply to such part of the added area and the parts or sections declared by any such order to be in force shall save as hereinbefore provided cease to be in force within such part of the added area but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

Orders under Shop Hours Act 1904 or Shops Acts 1912 to 1928.

25. Any order made under the Shop Hours Act 1904 or under the Shops Acts 1912 to 1928 and in force immediately before the appointed day in any area affected by this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applies immediately before the appointed day.

Orders under Wild Birds Protection Acts.

26. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at the appointed day in the existing borough shall extend to the added area and any order under those Acts which is then in force in the county shall cease to extend to the added area.

Orders under section 33 of Act of 1894.

27.—(1) The provisions of any order under section 33 of the Act of 1894 in force at the appointed day in the existing borough (so far as such provisions still have effect) shall have effect as if any reference in that order applicable to the existing borough extended and applied to the borough and as if any reference in that order to the existing parish of Gateshead also extended and applied to the parish.

(2) An order may be made by the Minister under section 33 of the Act of 1894 with respect to any charity held wholly or partly for the benefit of the inhabitants of any existing parish affected by this Act as if this Act had not been passed.

Corporation to be burial board.

28. The added area shall be included within the limits for which the Corporation act as a burial board:

Provided that nothing in this Act shall prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have

acquired prior to the appointed day or prejudicially affect any right privilege or authority which immediately prior thereto is exercisable by or attaches to any incumbent or sexton under the Burial Acts 1852 to 1906. A.D. 1932.

Byelaws &c.

29.—(1) All byelaws made under the Public Health Acts and in force within the existing borough or within the added area immediately before the appointed day shall—

(*a*) If made before the first day of January one thousand nine hundred and twenty continue to apply to the existing borough or to the added area as the case may be for three years after the appointed day (unless previously repealed or altered by the Corporation) but shall on the expiry of three years cease to be in force within the borough;

(*b*) If made on or after the first day of January one thousand nine hundred and twenty continue to apply to the existing borough or to the added area as the case may be until repealed or altered by the Corporation.

(2) Any such byelaws in force in the existing borough may by a byelaw made in accordance with sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority be continued and be extended with or without modification to the added area.

(3) In their application to the added area any byelaws continued in force by the foregoing provisions of this section shall have effect as if they had been made by the Corporation and as if the added area or the part thereof to which such byelaws apply were referred to therein instead of the area to which they apply immediately before the appointed day.

(4) All other byelaws made by the Corporation or by the watch committee of the existing borough and in force immediately before the appointed day shall apply to the borough until repealed or altered and subject as hereinafter provided all byelaws made by the county council or the standing joint committee of the county shall on that day cease to apply within the added area.

(5) Any proceedings which if this Act had not been passed might have been taken for any offence against

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(6) In this section "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments and the phrase "byelaws made under the Public Health Acts" means byelaws which under the Ministry of Health Act 1919 are subject to confirmation by the Minister whether made before or after the passing of that Act.

Byelaws under Advertisements Regulation Acts 1907 and 1925.

30.—(1) Any byelaws made by the county council or the urban council under the Advertisements Regulation Acts 1907 and 1925 which immediately before the appointed day are in force within the added area shall continue to apply to the added area for a period of three years after the appointed day unless they are previously repealed or altered by byelaws made by the Corporation but shall on the expiration of that period of three years cease to be in force within the added area.

(2) In their application to the added area any byelaws to which subsection (1) of this section applies shall have effect as if they had been made by the Corporation and any proceedings which if this Act had not been passed might have been taken by the county council or the urban council as the case may be in respect of a contravention of or failure to comply with those byelaws which may occur before the appointed day and arises within the added area may be taken by the Corporation.

Transfer of public elementary schools.

31.—(1) For the purposes and subject to the provisions of the Education Act 1921—

(*a*) Any public elementary school provided by the local education authority and situate within the added area and the furniture fittings books and apparatus belonging to such authority of any public elementary school within that area shall by virtue of this Act be transferred to and vest in the Corporation as the local education authority for all the estate and interest therein of such local education authority;

(*b*) All contracts debts and liabilities which immediately before the appointed day are existing or are owing by or attach to the local education authority in respect exclusively of any public elementary school within the added area or of

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the furniture fittings books or apparatus or with respect to the officers teachers and servants of any public elementary school within that area and to school attendance officers school nurses and other persons employed whole time in connection with education services exclusively in the added area shall by virtue of this Act enure to and be carried into effect by and be discharged and satisfied by the Corporation as the local education authority;

(*c*) Section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section;

(*d*) Subject to any adjustment which may hereafter be made the liability for repayment of so much of any loan raised exclusively in respect of any public elementary school or of the furniture fittings or apparatus transferred to and vested in the Corporation by virtue of this Act as is owing immediately before the appointed day and the liability for the payment of interest on that part of any such loan shall by virtue of this Act be transferred and attach to the Corporation as the local education authority and so much of any such loan as is then owing shall be charged on the general rate fund and general rate and shall be repaid by the Corporation within the period (if any) for which that part of the loan was originally sanctioned or within which that part of the loan is otherwise required to be repaid or is made repayable.

(2) In this section "public elementary school" includes the site and schoolhouse and also any land acquired and held by the local education authority for purposes of elementary education.

Education byelaws and managers.

32.—(1) Any byelaws under the Education Act 1921 or any enactment repealed by that Act which may be in force in the existing borough at the appointed day shall apply to the borough until revoked or altered by the Corporation and from and after that day any byelaws then in force in the added area shall cease to be in force therein.

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(2) Every manager of an elementary school within the added area who was appointed by the county council the urban council the rural council or the parish council of Lamesley shall vacate office on the appointed day.

County police.

33.—(1) On the appointed day such members (if any) of the police force of the county as before that day shall have been determined by agreement subject to the approval of the Secretary of State between the standing joint committee of the county and the watch committee of the Corporation or in default of agreement by the Secretary of State shall be transferred to and become part of the police force of the borough :

Provided that no member of the police force of the county shall be so transferred without his consent.

(2) Every member of the county police force so transferred shall hold office in the police force of the borough upon the same tenure and subject to the same terms and conditions as the other serving members of the borough police force of the same rank as that member and any period of service which the transferred member was entitled to reckon before the transfer for purposes of pay promotion or pension in the police force of the county shall be reckoned for the same purposes in the police force of the borough :

Provided that where the scale of ordinary pensions applicable to a member of the police force of the county who is so transferred is by virtue of section 29 (1) (*a*) of the Police Pensions Act 1921 a scale other than that prescribed in Part I of the First Schedule to that Act such scale shall continue to apply to him as if he had not been so transferred.

(3) The provisions of subsection (2) of section 8 of the Police Pensions Act 1921 shall extend and apply to and in relation to any member of the county police force transferred under this section as if that member had removed with the written sanction of the chief constable of the county and notwithstanding that at the date of the transfer that member may not have completed one year's approved service in the police force of the county.

County police stations.

34. Any county police station situate within the added area and any residence for a constable or cell so situate and the fittings and furniture of any such police station residence or cell shall by virtue of this Act be

transferred to and vest in the Corporation as from the appointed day for all the estate and interest therein of the county council and section 68 of the Act of 1894 shall apply with respect to any adjustment for the purposes of this section. A.D. 1932.

Register of nursing homes.

35.—(1) The clerk of the county council shall before the appointed day send to the town clerk a copy of every entry in the register of the county council under the Nursing Homes Registration Act 1927 which relates to any nursing home situate within the added area and the town clerk shall include in the register of the Corporation under that Act the particulars furnished by the clerk of the county council.

(2) Any exemption in force immediately before the appointed day from the operation of the Nursing Homes Registration Act 1927 which may have been granted by the county council in respect of premises within the added area shall continue in force until the exemption shall expire.

Insurance committees.

36.—(1) The Minister may by order at any time after the passing of this Act make such provisions as appear to him to be necessary for transferring to the insurance committee for the borough such of the property rights and liabilities of the insurance committee for the county as relate to persons resident in the added area.

(2) An order made under this section may authorise the insurance committee for the county to continue to act as insurance committee for the added area until such date not being later than the thirty-first day of December one thousand nine hundred and thirty-three as may be specified in the order and may for that purpose postpone the operation of this Act so far as it relates to the rights and duties of the respective insurance committees for the county and borough until the date so specified and may provide for such financial adjustments and may contain such other consequential and supplementary provisions as may appear to the Minister necessary or expedient.

(3) An order under this section may be revoked revised or amended by an order made in like manner as the original order.

(4) Subject to any order under this section the persons who immediately before the appointed day are

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members of the respective insurance committees for the county and the existing borough shall be deemed to have been appointed or elected as and shall be the members of the respective insurance committees for the county and the borough as altered by this Act for the remainder of the period for which they were appointed or elected.

Town planning.

37.—(1) Any resolution passed or other proceeding taken by the urban council or the rural council under the Town Planning Act 1925 or any enactment thereby repealed (including any agreement order approval consent or notice under that Act or repealed enactment) and any resolution passed or other proceeding taken by the county council under that Act as extended by the provisions of the Act of 1929 shall in so far as they relate to land within the added area have effect as if they had been passed or taken by the Corporation in respect of that land.

(2) The members of the joint committee appointed in pursuance of proviso (ii) of subsection (1) of section 2 of the Town Planning Act 1925 and known as the Central North Durham Joint Town Planning Committee appointed by the Corporation the urban council and the rural council shall be deemed to have been appointed to represent the borough the urban district and the rural district as altered by this Act respectively and shall retire on the day on which they would have retired if this Act had not been passed.

Officers of Corporation continued.

38. The town clerk and all other officers of the Corporation of the existing borough who hold office on the appointed day shall continue to be the town clerk and officers of the Corporation of the borough and shall hold their offices by the same tenure as on that day.

Existing officers in added area.

39.—(1) All persons who at the passing of this Act are officers employed whole time by the county council the urban council or the rural council exclusively in relation to the added area or any part thereof shall be transferred to and become officers of the Corporation.

(2) Every officer so transferred shall hold his office or employment by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing similar duties to those which he was required to perform immediately before the appointed day shall receive not less salary wages or emoluments

and shall be entitled to not less pension (if any) than the salary wages emoluments or pension to which he would have been entitled if this Act had not been passed. A.D. 1932.

(3) Every officer so transferred who on the appointed day holds a post duly designated as established for the purpose of the Local Government and other Officers' Superannuation Act 1922 shall be deemed to have been transferred to a designated post in the service of the Corporation within the meaning of that Act and the provisions of that Act shall apply as if he had been transferred to the service of the Corporation with the consent of the council in whose service he was prior to the appointed day.

(4) The Corporation may distribute their business among the transferred officers and other officers of the Corporation in such manner as they may think proper and every officer shall perform such duties in relation to that business as may be directed by the Corporation and the Corporation may abolish the office or determine the appointment of any officer subject nevertheless to the consent of the Minister if the officer is removable only with the Minister's consent or by the Minister.

(5) If at any time within five years after the appointed day any transferred officer is required by the Corporation to perform duties which are not analogous to or which are an unreasonable addition to those which that officer was required to perform before the appointed day the officer may relinquish his office.

Compensation to existing officers.

40.—(1) Every officer in office at the date of the passing of this Act who by virtue of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of fees salary or emoluments (and for whose compensation for that loss no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

(2) Any transferred officer who relinquishes his office under subsection (5) of the section of this Act of which the marginal note is "Existing officers in added area" or any officer whose services are dispensed with or whose fees salary or emoluments are reduced within five years after the appointed day because his services are not

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required or his duties are diminished and not on the ground of misconduct shall be deemed unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this Act.

(3) All fees or remuneration received and retained by an officer in connection with the preparation of the jurors' book or the register of electors under the Representation of the People Acts shall subject to a reasonable deduction for any expenses incurred by the officer be regarded as part of the emoluments of the officer for the purposes of compensation.

(4) The provisions set out in the Eighth Schedule to the Act of 1929 except the provision numbered 11 shall apply to the determination of compensation to officers under this Act as if such provisions were re-enacted in and formed part of this Act and as if references therein to "the council" and "a council" and to the Act of 1929 were references to the Corporation and to this Act respectively.

(5) The expression "registration officer" in such provisions shall mean for the purposes of this Act any superintendent registrar and registrar of births and deaths.

(6) For the purposes of this section and of the provisions in the Eighth Schedule to the Act of 1929 as applied by this section the expression "officer" includes in addition to the persons included in that expression as defined in the section of this Act of which the marginal note is "Interpretation" any teacher employed in a public elementary school which is maintained but not provided by a local education authority.

Compensation and superannuation.

41. No officer shall be entitled to receive compensation under this Act for pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

Differential rating.

42. The Minister may if he thinks fit on the application of the Corporation on the one hand or of the local authority of any part of the added area or any railway company owning property in the added area on the other hand (such application to be made in writing before the expiration of a period of two months after the passing of this Act) order that for the period or periods stated

in the order the total amount in the pound of the general rate to be made and levied upon rateable hereditaments situate in the added area or any part thereof shall be more or less than the total amount in the pound of the general rate to be made and levied upon hereditaments within the area of the existing borough by such sum or sums as may seem equitable to him after considering any representations that may be made to him by such local authority or railway company or by the Corporation as the case may be.

Deduction in ascertaining rateable value of tithes railways &c.

43. For the purposes of all valuation lists of the borough under the Rating and Valuation Act 1925 the amount of the deduction to be made under paragraph (*c*) of subsection (1) of section 22 of that Act from the net annual value of such rateable hereditaments within the added area as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall be twenty-five per centum.

Application of Rating and Valuation Act 1925.

44.—(1) As from the appointed day—

(*a*) the added area shall be deemed to form part of the rating area and of the assessment area of the borough;

(*b*) the valuation list of the existing borough and the portions of the valuation lists of the urban district and the rural district respectively modified where necessary in order to give effect to the provisions of the last preceding section of this Act which relate to hereditaments within the added area shall together form the valuation list of the borough;

(*c*) the remaining portions of the valuation lists of the urban district and the rural district shall be the valuation lists of those districts respectively;

(*d*) any scheme made under the Rating and Valuation Act 1925 for the constitution of an assessment area which includes any part of the added area shall be varied by excluding such part from such assessment area and any person who immediately before that day is the representative of any part of the added area on any assessment committee shall cease to represent the same.

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(2) Except as expressly provided by this Act nothing in this Act shall affect the provisions of the said Act of 1925.

Provision for adjustments.

45.—(1) Subject to the provisions of this section where in consequence of any alteration of areas or authorities made by this Act any adjustment of any property income debts liabilities or expenses so far as they are affected by the alteration is required an adjustment shall be made between the councils or other authorities affected under and in accordance with section 62 of the Act of 1888 and that section shall apply to any such adjustment subject to the following modifications:—

(*a*) as if in subsections (5) (6) and (7) of that section the expression "council" included any authority affected by this Act or by anything done in pursuance of this Act;

(*b*) as if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in subsection (6) of the section that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all moneys so borrowed shall be repaid within such period as the Minister may sanction;

(*c*) as if the fund or rate specified in any agreement or award of adjustment were substituted for any fund mentioned in the section; and

(*d*) as if the following subsection were added to the section:—

"(8) If it is necessary for the purpose of giving effect to an agreement or award for an adjustment that a separate rate shall be levied in part only of a rating area the agreement or award may authorise such rate to be levied in that part as an additional item of the general rate."

(2) Section 62 of the Act of 1888 as modified by subsection (1) of this section shall extend to any question

which may arise in consequence of the extension by this Act of the existing borough—

(*a*) as to any financial relations (including the distribution of any moneys) between the Corporation and the county council;

(*b*) as to any financial relations (including the distribution of any moneys) between—

(i) either the Corporation or the county council and the Corporation on the one hand; and

(ii) the council of any other county borough within the county on the other hand.

(3) Subsection (6) of section 32 of the Act of 1888 (which relates to the revision of financial adjustments) shall extend to any financial adjustment made under subsection (2) of this section.

(4) This section shall not extend to any matter for the adjustment of which provision is made in any other Act or in the sections of this Act whereof the marginal notes are "Transfer of public elementary schools" "County police stations" and "Adjustment for purposes of licensing."

Adjustment as to properties.

46. In any adjustment between the Corporation and any council or other authority which may be made in consequence of this Act regard shall be had to the interest or share (if any) of the added area or any part thereof or of any council or authority in any property—

(*a*) which is retained by or transferred to such council or other authority after or as from the appointed day who will thereby be relieved from providing accommodation; or

(*b*) which was prior to the appointed day subject to beneficial user by the inhabitants of the added area or any part thereof; or

(*c*) which or some part of which is realisable;

and due credit shall be given in such adjustment to the Corporation or any other council or authority in respect of such interest or share (if any) except to the extent to which the property will remain or become a burden on the council or other authority by whom it is retained or to whom it is transferred.

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Adjustment for purposes of licensing.

47.—(1) An equitable adjustment shall be made between the county and the borough respecting the interest of the added area in any compensation fund constituted under section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

(2) Such adjustment shall be made by agreement between the compensation authority (as defined by the Licensing (Consolidation) Act 1910) for the county and for the borough within twelve months from the appointed day or such extended period as may be allowed by the Secretary of State or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of that Act shall apply accordingly.

Duplicate entries in electors' lists.

48.—(1) The registration officer of the parliamentary county of Durham shall supply the registration officer of the parliamentary borough of Gateshead on publication with a sufficient number of copies of the electors' lists the lists of objections to the electors' lists the lists of claimants and the lists of objections to claimants for each registration unit comprising any part of the added area and shall forthwith notify the registration officer of the said parliamentary borough of his decision on any objections or claims in respect of any such registration unit.

(2) It shall be the duty of the registration officer of the parliamentary borough of Gateshead to issue such notices and otherwise to take such steps as are required by Rule 23 in the First Schedule to the Representation of the People Act 1918 in order to secure that no person is registered as a local government elector in respect of more than one qualification in the borough for the purpose of borough council elections.

(3) Where the registration officer of the said parliamentary borough considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for the purpose aforesaid should be made in the electors' lists of any registration unit comprising any part of

the added area he shall forthwith notify the registration officer of the said parliamentary county and that officer shall make such correction accordingly. A.D. 1932.

(4) This section shall apply to the preparation of the register in the year one thousand nine hundred and thirty-three and of later registers.

Provisions as to register of electors.

49.—(1) For the purposes of the register of local government electors of the borough prepared in the year one thousand nine hundred and thirty-three and of all matters connected with incidental to or consequent upon those purposes the added area shall be deemed to have formed part of the borough as from the first day of the qualifying period for the register for the year one thousand nine hundred and thirty-three.

(2) If the register of local government electors for any local government electoral area affected by this Act is not so framed as to show the persons entitled to vote at an election or parish meeting to be held for a district parish or ward or other voting area—

(*a*) the town clerk in the case of an election for any voting area within the borough; and

(*b*) the registration officer of the parliamentary county of Durham in the case of an election or parish meeting for any voting area outside the borough;

shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election or parish meeting.

(3) The additional expenses (if any) solely occasioned by any alteration or re-arrangement of the register authorised by subsection (2) of this section shall be borne by the Corporation.

(4) It shall be the duty of any officer designated under article 3 of the Overseers Order 1927 by the Corporation or by the urban council or the rural council for the performance of the duties of overseers in relation to the preparation of the register of electors to render such assistance as may be required by the town clerk or registration officer for the purpose of any alteration or re-arrangement authorised by subsection (2) of this section.

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(5) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary or desirable to give effect to the provisions of this section and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

Jury service.

50. For the purpose of summoning jurors and of jury service any parish affected by this Act shall be deemed to continue unaltered until a new jurors' book comes into force.

Local land charges registers.

51.—(1) The local registrars for the county for the urban district and for the rural district under the Land Charges Act 1925 and the rules made thereunder shall within one month after the appointed day supply to the local registrar for the borough an office copy of every entry in the local land charges register relating to any premises situate within the added area and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules.

(2) The town clerk as local registrar for the borough shall within one month after the receipt of the office copies mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate part of the local land charges register of the borough.

(3) Until the entries are made as aforesaid or until the expiration of two months from the appointed day whichever be the earlier the following provisions shall have effect in respect of all land within the added area :—

(*a*) The local registrar for the borough shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the district affected and in the register for the county ;

(*b*) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the district affected the application received by him together with the fees paid in respect thereof and shall also forward to the local registrar for the county a copy of the application ;

(*c*) The local registrars for the district affected and for the county shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed;

(*d*) The fees in respect of searches permitted or made and in respect of certificates furnished by the local registrar for the county in pursuance of the provisions of paragraph (*c*) of this subsection shall be paid by the Corporation;

(*e*) Where an entry of a local land charge duly registered in the local land charges register of the county or of the urban district or the rural district as the case may be is required by this section to be transferred from the register of the county or the urban district or the rural district as the case may be to the register of the borough such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the local land charges register of the borough.

Settlement and irremovability and transfer of liability for maintenance of poor.

52.—(1) Every person resident in the added area immediately before the appointed day who has acquired or is in the course of acquiring—

(*a*) a settlement in the county by reason of residence birth or other qualification therein; or

(*b*) a status of irremovability from the county by reason of residence therein;

shall be deemed to have acquired or to be in the course of acquiring thereby as the case may require a settlement in or a status of irremovability from the borough.

(2) For the purposes of this section consecutive periods of residence in any portions of the county shall (if and so far as those periods would immediately before the appointed day be reckoned for the purposes of determining questions of settlement in or irremovability from the county) be aggregated and shall be reckoned as

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continuous residence in that part of the county in which the person was residing immediately before the appointed day.

(3) Where immediately before the appointed day a person is in receipt of poor relief from the county council as an inmate of an institution or of rate aid from the county council as an inmate of an institution for persons of unsound mind and was resident in the added area immediately before he last commenced to receive poor relief or rate aid he shall for the purposes of the foregoing provisions of this section be deemed to be resident in the added area immediately before the appointed day.

(4) The liability for the cost accruing on and after the appointed day of the maintenance in any institution of any inmate of that institution to whom subsection (3) of this section applies shall by virtue of this Act be transferred to and attach to the Corporation but this subsection shall not prevent the Corporation from obtaining an order of removal or an adjudication of the chargeability of any person who notwithstanding the provisions of this section is liable to be removed or made chargeable to any other county or county borough.

(5) Nothing in this section shall authorise the inclusion in any computation of a period of residence for the purposes of this section of such residence as is excluded by subsection (1) of section 93 of the Poor Law Act 1930 from a computation of residence for the purpose of the acquisition of a status of irremovability or shall prevent any residence so excluded from breaking the continuity of residence for the purpose of the acquisition by residence of a settlement.

Apportionment of balances and sums received under precepts.

53.—(1) As soon as practicable after the appointed day the county council the urban council and the rural council shall as regards any cash balances in their hands at the appointed day estimate the proportion thereof derived from contributions paid by the added area and subject to a deduction on account of undischarged liabilities in respect of the added area accruing up to the appointed day shall transfer such amount to the Corporation.

(2) Any sum received after the appointed day by the county council the urban council or the rural council under a precept issued or rate made before that day in respect of the added area shall be dealt with in the manner prescribed by subsection (1) of this section.

(3) The apportionment under this section of any balance or sum received shall be subject to review on an adjustment under this Act.

Contribution orders precepts and arrears of rates.

54.—(1) Notwithstanding the alterations of areas effected by this Act all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Act had not been passed.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added area shall be collected and recovered by the Corporation.

(3) Any rates so collected and recovered shall be a matter for adjustment under this Act.

As to registration districts.

55. Any scheme made by the Corporation or the Registrar-General under the provisions of section 24 of the Act of 1929 shall make provision for dealing with the added area but until the date on which a scheme affecting the added area comes into operation nothing in this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in the Births and Deaths Registration Acts 1836 to 1929 as to the alteration thereof.

Parish books and documents.

56.—(1) All rate books books of account minutes of proceedings deeds papers and writings belonging to the urban council the rural council or the Lamesley Parish Council in relation exclusively to the added area and all documents directed by law to be kept with the public books writings and papers thereof respectively except any book or document relating to ecclesiastical matters shall be deposited in such custody as the Corporation may direct.

(2) Any ratepayer of any existing parish which is altered by this Act shall at all times have the same right of inspection and of making extracts from the books and documents of that existing parish which he would have had if this Act had not been passed.

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Saving for certain general enactments.

57. Nothing in this Act contained shall be deemed to take away prejudice or affect the right of the county council to make any order or orders under the provisions of section 57 of the Act of 1888 as amended by section 48 of the Act of 1929 in relation to the excluded parts of Whickham or Lamesley or any portion thereof respectively and nothing contained in this Act shall be deemed to prejudice or affect the operation of Part IV of the Act of 1929 in relation to those excluded parts.

Saving for qualification of aldermen and councillors.

58. Any alderman or councillor who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification for being an alderman or councillor by reason of the alterations of area made by this Act.

Savings for actions contracts &c.

59.—(1) No alteration effected by this Act in the area of any local authority shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority or any contract deed bond agreement or other instrument (subsisting at the appointed day) entered into or made by that authority or their predecessors :

Provided that—

(*a*) any action cause of action or proceeding which at the appointed day is pending or existing by or against any such authority in relation exclusively to any part of the added area may be continued prosecuted and enforced by or against the Corporation; and

(*b*) all contracts deeds bonds agreements and other instruments (subsisting at the appointed day) entered into or made by any such authority or their predecessors in relation exclusively to any part of the added area shall continue and be in force as fully and effectually as if instead of that authority or their predecessors the Corporation had been a party thereto.

(2) All legal proceedings pending at the appointed day may be amended in such manner as may be necessary or proper in consequence of this Act.

Other savings.

60. Nothing in this Act shall—

(1) restrict the power of the Secretary of State the Minister or the county council under the Act of 1888 the Act of 1894 the Act of 1929 or the Poor Law Act 1930;

(2) affect the limits of the parliamentary borough of Gateshead or the parliamentary county of Durham or the powers of the county council for the division of their parliamentary county into polling districts for parliamentary elections or for the division of the county into polling districts for the election of county councillors or any existing order or scheme for either of those purposes or for naming the polling places at any election;

(3) affect the ecclesiastical divisions of any parish or prejudice vary or affect any power right interest or jurisdiction in or over or in connection with any charitable endowment; or

(4) affect land tax.

Saving rights of Tyne Improvement Commissioners.

61. Nothing in this Act contained shall in any manner prejudice diminish alter or take away any of the rights or privileges or any power jurisdiction or authority now vested in or enjoyed by the Tyne Improvement Commissioners and all such rights and privileges and every such power jurisdiction and authority shall continue and be in force as if this Act had not been passed.

For protection of Newcastle-upon-Tyne and Gateshead Gas Company.

62. Nothing in this Act shall diminish prejudice or affect the powers rights duties and privileges of the Newcastle-upon-Tyne and Gateshead Gas Company or alter or affect the operation of any of the provisions of Part III (Price of gas and application of profits) of the Newcastle-upon-Tyne and Gateshead Gas Act 1929 but those provisions shall continue to apply and have effect as if the areas therein referred to had not been altered.

Saving for jurisdiction of burgess and non-burgess court of Newcastle.

63. Nothing in this Act shall take away or abridge any power jurisdiction or authority of the borough civil court known as the burgess and non-burgess court of Newcastle-upon-Tyne or of any judge assessor prothonotary sergeant at mace bailiff or other officer thereof

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Power to borrow.

64.—(1) The Corporation may (in addition to the other sums which they are authorised to raise) borrow or raise at interest on the security of the general rate fund and the general rate such sums as they may require for and in connection with the following purposes (namely) :—

(*a*) The purpose of making any payment to any authority under this Act or under any enactment the provisions of which are applied thereby (including the payment or purchase in the name of the Corporation of any annuity payable by them under any provision contained in or applicable to the provisions of this Act which annuity the Corporation are hereby empowered to purchase);

(*b*) The purpose of making any payment under the provisions of the section of this Act of which the marginal note is " Compensation to existing officers ";

(*c*) The payment of the costs charges and expenses of this Act.

The Corporation shall repay all moneys borrowed pursuant to this subsection within the following periods (namely) :—

Money borrowed for the purpose (*a*) within forty-five years from the date or dates of borrowing;

Money borrowed for the purpose (*b*) within twenty years from the date or dates of borrowing;

Money borrowed for the purpose (*c*) within five years from the passing of this Act;

and those periods shall respectively be " the prescribed periods " for the purposes of this Act and of any Act incorporated therewith or applied thereto.

(2) The Corporation may also with the consent of the Minister borrow or raise at interest on the security of the general rate fund and general rate such further money as may be necessary for any of the purposes of this Act and shall repay any money borrowed under this subsection within such period as may be prescribed by the Minister.

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Application of sections of Act of 1903.

65. Subject to the provisions of this Act the following sections of the Gateshead Corporation Act 1903 shall extend and apply to the moneys borrowed under and to the purposes of this Act as if those provisions were with all necessary modifications re-enacted in this Act :—

Section 145 (Mode of raising money);
Section 146 (Provisions of Public Health Act 1875 as to mortgages to apply);
Section 147 (Mode of payment off of money borrowed);
Section 148 (Sinking fund);
Section 150 (Protection of lender from inquiry);
Section 151 (Corporation not to regard trusts);
Section 152 (Appointment of receiver);
Section 153 (Power to re-borrow);
Section 155 (Application of money borrowed).

Repeal.

66. Section 22 (Expenses of extinguishing fires within the borough) of the Gateshead Improvement Act 1867 is hereby repealed.

Return to Minister with respect to repayment of debt.

67.—(1) The town clerk shall if and when he is requested by the Minister so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to

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be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision (other than the foregoing provisions of this section) of any enactment in force in the borough at the passing of this Act requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

Crown rights.

68. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

69. The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and general rate or out of money to be borrowed under this Act for that purpose.

The SCHEDULE referred to in the foregoing Act.

PART I.

LOCAL ACTS.

Session and Chapter.	Title or Short Title.
54 Geo. 3. c. cix. - -	An Act for cleansing lighting and otherwise improving certain Streets and Places within and near the Town and Borough of Gateshead in the County of Durham.
18 and 19 Vict. c. cxliii. -	Gateshead Quay Act 1855.
22 and 23 Vict. c. xii. -	Gateshead Quay (Second) Act 1859.
30 and 31 Vict. c. lxxxiii.	Gateshead Improvement Act 1867.
40 and 41 Vict. c. cxlii. -	Gateshead Improvement Act 1877.
3 Edw. 7. c. cclii. - -	Gateshead Corporation Act 1903.

PART II.

CONFIRMATION ACTS AND ORDERS.

Session and chapter.	Short title.	Order thereby confirmed.
14 and 15 Vict. c. xcviii.	The Public Health Supplemental Act 1851 No. 2.	The Order relating to Gateshead dated 1st February 1851.
50 Vict. c. xvi. -	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1886.	The Gateshead Order 1886.
8 Edw. 7. c. cxlvi.	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1908.	The Gateshead Order 1908.
20 Geo. 5. c. i. -	The Ministry of Health Provisional Orders Confirmation (No. 3) Act 1929.	The Gateshead Order 1929.

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